

REMARKS

Claims 1-37 are pending. The Examiner rejected claims 36-37 because the Examiner believes the claims are directed at software per se. Claims 36-37 have been amended to address the Examiner's rejection. Claims 36-37 are believed statutory. "A claimed computer-readable medium encoded with a computer program is a computer element which defines structural and functional interrelationships between the computer program and the rest of the computer which permit the computer program's functionality to be realized, and is thus statutory." See Lowry, 32 F.3d at 1583-84, 32 USPQ2d at 1035. Independent claim 36 recites computer code for determining a stall in a buffer at a first switch. Independent claim 36 also recites computer code for obtaining a reserve credit from an interface included in the first switch. The recitations define structural and functional interrelationships between the computer program and the rest of the computer and are thus statutory. Although a data structure may aid in providing statutory subject matter, a data structure is not believed to be necessary in this case.

Claim 18 was rejected because of informalities. Claim 18 has been amended to correct informalities. Claims 1-37 were rejected under 35 U.S.C. 112(2) because the Examiner argues that it is not clear why a plurality of frames are stalled. The Applicants respectfully submit that the recitation "plurality of frames are stalled" is believed to be clear. The recitation is defined in the specification in a manner consistent with the everyday usage of the terms. For example, "however, regular frames in the buffers of the two switches are stalled because no regular credits are available. A frame delayed in a buffer for a particular period of time is referred to herein as a stalled frame." (page 11, lines 25-27) "The techniques of the present invention allow the release of one or more reserve credits at various times before the frame drop time period expires. For example, a reserve credit can be released at 100ms, 200ms, 300ms, and 400ms periods after traffic is stalled. At 500ms, if traffic or frames remain stalled, frames are dropped. However, in many instances, releasing reserve credits eliminates the need to drop frames." (page 14, lines 14-19)

Claim 18 was rejected under 35 U.S.C. 103(a) as being unpatentable over Hefty (USP 2004/0076116). Hefty describes a credit mechanism. "[0031] To receive a message there must be a receive buffer available. A buffer 6 is made available, or posted, by an application, device driver, processor, or other entity that desires to initiate transferring or receiving of a message."

When a buffer 6 is posted to receive an inbound message, buffer 6 may be placed on an inbound message queue 8. Each buffer 6 that is posted and placed in inbound message queue 8 represents one credit to give to a sending remote side. When a receive buffer is posted, the number of credits to give is incremented by credits to give counter function 12. Credits to give counter function 12 may include storage that stores a number that represents the total of available receive buffers (credits) that may be made available (sent) to a remote side.”

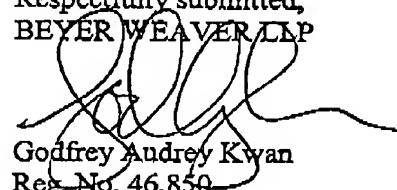
However, Hefty does not teach or suggest any reserve credit as recited in independent claim 18. The Examiner argues that a reserve credit is new credit in Figure 2. However, the new credit in Figure 2 is believed to be a conventional credit provided as soon as buffer space is available. “When a receive buffer is posted, the number of credits to give is incremented by credits to give counter function 12. Credits to give counter function 12 may include storage that stores a number that represents the total of available receive buffers (credits) that may be made available (sent) to a remote side.” [0031]

“Credits to give may be given to a remote side of a connection via an immediate data portion of a normal message send operation, or through the use of a zero byte message (e.g., credit update message). A zero byte message may include only header information and no data portion, and may be used only to transfer credits to a remote side. When a remote side is notified of additional credits through either process, a remote credit count 14 (credits known to be available on the remote side of a channel-based switched fabric connection) may be incremented at unit 10 by the number of credits to give (i.e., credits given to the remote side). The number of credits to give may then be reset to zero.” [0032] No reserve credit is mentioned or suggested anywhere in Hefty. No reserve mechanism is mentioned or suggested anywhere in Hefty.

In light of the above remarks relating to independent claims the remaining dependent claims are believed allowable for at least the reasons noted above. Applicants believe that all pending claims are allowable. Should the Examiner believe that a telephone conference would

expedite the prosecution of this application, the undersigned can be reached at the telephone number set out below.

Respectfully submitted,
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